

CHAPTER 22
WILDLIFE HABITAT ON PRIVATE LANDS PROMOTION PROGRAM

[Prior to 12/31/86, Conservation Commission[290] Ch 22]

571—22.1(456A,483A) Purpose. The purpose of these rules is to designate procedures by which revenues from the sale of wildlife habitat stamps and income tax checkoff funds will be used to assist landowners in establishing wildlife habitat on private lands.

571—22.2(456A,483A) Authority. Iowa Code section 483A.3 authorizes the expenditure of wildlife habitat stamp funds for “the development and enhancement of wildlife lands and habitat areas.” Iowa Code section 456A.16 authorizes an income tax checkoff for habitat development for game and non-game wildlife. The natural resource commission, hereinafter referred to as the commission, acting through its director, will enter into agreements with landowners and conservation groups to fulfill the requirements of the law.

571—22.3(456A,483A) Project scope. This program will provide cost-sharing assistance to landowners from habitat stamp and tax checkoff revenues. Tax checkoff funds will be used to establish farmstead and feedlot shelterbelts, and habitat stamp funds will be used to provide temporary winter habitat plots throughout the state. Declines in wildlife populations in northern Iowa have been caused in part by the loss of secure food and shelter against winter storms. Shelterbelts will also provide significant energy savings to rural homes. Shelterbelts and habitat plots will demonstrate the value of winter habitat to wildlife in intensively farmed regions of the state.

571—22.4(456A,483A) Availability of funds. Habitat stamp funds are dependent on stamp sales. Tax checkoff funds depend on voluntary contributions from Iowa taxpayers. The amount of moneys available at any time will be determined by revenues received by the department and by matching contributions from conservation groups. Final stamp sales for each calendar year will be determined by July 1 of the following year. Tax checkoff funds will be available by January 31 of the following calendar year.

22.4(1) Allotments for this program. Funds available for assisting landowners shall be in the department’s budget in accordance with legislative appropriations. Funds will be made available during a fiscal year of July 1 to June 30.

22.4(2) Matching funds. To maximize the amount of wildlife habitat actually established, the department may accept contributions from any governmental or private conservation group to help establish shelterbelts or winter habitat demonstration areas. Department funds may also be used to match other funding sources or incentive programs.

571—22.5(483A) Winter habitat areas. This rule delineates eligibility and procedures for establishing temporary winter cover and food plots.

22.5(1) Eligibility. The program is available statewide.

To be eligible for cost assistance, individual landowners must enter into a written agreement with the department specifying the obligations of both parties.

22.5(2) Applications for assistance. Applications will be accepted only from those eligible as noted above.

a. Applications must be submitted on forms furnished by the department.

b. Applications and contracts must be received by April 15 to provide adequate time for site inspection and plot design. The application period may be extended indefinitely, or until all available funds have been committed. Landowners will be contacted within 30 days as to their acceptance or rejection.

22.5(3) Project review and selection.

a. Projects will be reviewed by the department wildlife biologist, who will then recommend that the commission enter into agreements with the successful applicants.

b. Rescinded IAB 1/24/90, effective 2/28/90.

c. Winter habitat areas will be selected on the basis of site suitability, the availability of other winter cover, and the availability of nesting cover to determine those projects with the greatest chance of benefiting wildlife populations.

d. Rescinded IAB 1/24/90, effective 2/28/90.

22.5(4) Contract agreements. The director is authorized to enter into agreements with landowners to carry out the purposes of this program.

a. Agreement forms will be provided by the department. They shall explicitly state the terms of the agreement including, but not limited to, plot size, configuration, crop types, ground preparation, and weed control and cultivation practices. Terms of the agreement and copies of the contract will be available from the department for examination.

b. Cost-sharing assistance will not be provided unless an agreement has been signed by both parties.

c. Contracts may be amended by mutual agreement of both parties.

22.5(5) Specifications. Winter habitat plots must conform to the following guidelines to be eligible for cost assistance:

a. Individual winter habitat plots must be at least three acres if they are located next to suitable winter cover; five acres if other winter cover is lacking or inadequate. Larger plots may be specified by the department wildlife biologist.

b. Individual winter habitat plots will be designed by the department wildlife biologist to fit individual habitat situations.

c. One, or a combination of the following practices, will be allowed:

(1) Standing corn left throughout the winter.

(2) Standing corn in combination with grain sorghum left throughout the winter.

(3) Forage sorghum and grain sorghum left throughout the winter.

(4) Forage sorghum in combination with standing corn left throughout the winter.

d. Landowners must follow site preparation, seeding and cultivation practices similar to that used in normal agricultural production.

e. Winter habitat plots must produce a crop similar to that in fields under normal crop production practices.

f. No grazing, mechanical disturbance, or harvesting will be permitted until after March 15 of the final contract year unless specified in the design.

22.5(6) Cost-share rates. The department will provide cost-sharing assistance for winter habitat plots at the following rates, except when a lesser amount is negotiated with a landowner.

a. Up to \$55 per acre for standing corn planted on annual set-aside acres.

b. Up to \$70 per acre for standing corn left on agricultural ground.

c. Up to \$30 per acre for planting forage sorghum and grain sorghum.

d. Up to \$50 per acre for planting forage sorghum and corn.

22.5(7) Reimbursements. Cost assistance payments will be made after March 15 after inspection by the department wildlife biologist.

Reimbursement shall not be paid unless all terms of the contracts have been met.

571—22.6(456A,483A) Shelterbelts. This rule delineates eligibility and procedures for establishing shelterbelts for winter wildlife habitat.

22.6(1) Eligibility. The program is available statewide.

a. To be eligible for cost assistance, landowners must enter into a written agreement with the department specifying the obligations of both parties.

b. Rescinded IAB 1/24/90, effective 2/28/90.

c. Assistance for replacement of trees or shrubs suffering normal mortality in a shelterbelt previously cost-shared by the department will be available in any county currently or previously eligible subject to conditions in subrule 22.6(6), paragraph "c."

22.6(2) *Application for assistance.* Applications will be accepted only from those eligible as noted above.

a. Applications must be submitted on forms furnished by the department.

b. Applications must be submitted by February 15. The application period may be extended until all available funds have been committed.

22.6(3) *Project review and selection.* Project applications will be reviewed separately for each county to determine the projects which will be eligible for cost assistance.

a. Projects will be reviewed by the department wildlife biologist and the soil conservation service district conservationist for each county, who will then recommend that the commission enter into agreements with the successful applicants.

b. Projects will be selected on the basis of site suitability, location within the county, and the availability of nearby wildlife habitat to determine those projects with the greatest chance of benefiting wildlife populations.

c. Rescinded IAB 1/24/90, effective 2/28/90.

d. Priority for rating will be given in the following order:

(1) Establishment of new shelterbelts or enlargement of existing shelterbelts in which department funds are used to supplement other funding sources.

(2) Establishment of new shelterbelts or enlargement of existing shelterbelts using only department funding.

(3) Renovations of cost-shared shelterbelts which meet the criteria of subrule 22.6(5), paragraph "b."

(4) Enlargements of previously cost-shared shelterbelts above minimum specifications, subject to limitations in subrule 22.6(5), paragraph "c," subparagraphs (1) to (4).

22.6(4) *Contract agreements.* The director is authorized to enter into agreements with landowners in order to carry out the purposes of this program.

a. Agreement forms will be provided by the department. They shall explicitly state the terms of the agreement, including but not limited to, requirements for shelterbelt size, configuration, species composition of trees, ground preparation, weed control and management in subsequent years. Terms of the agreement and copies of the contract will be available from the department for examination.

b. Cost-sharing assistance will not be provided unless an agreement has been signed by both parties prior to the inception of the project.

c. Contract periods will not be approved for any term less than ten years in duration.

d. Contracts may be amended by mutual agreement of both parties.

22.6(5) *Specifications and guidelines.* Shelterbelts must conform to the following specifications to be eligible for cost-share assistance.

a. New shelterbelts must meet at least the following minimum guidelines:

(1) Eight rows of planting stock with at least 100 feet per row in an L-shaped shelterbelt, 150 feet per row in a unidirectional block.

(2) Two rows of shrubs or trees windward, followed by a minimum 50-foot snowcatch leeward of the first two rows. The snowcatch may be used to plant nesting cover, food plots, Christmas tree plantations or may be cropped.

(3) Two rows of shrubs leeward of the snowcatch, followed by four rows of dense conifers.

(4) Additional rows of dense shrubs may be planted interior to conifers for screening. See subrule 22.6(5), paragraph "c," subparagraphs (1) to (4) for restrictions on additional rows.

(5) Species of conifers, shrubs, and deciduous trees which may be grown in shelterbelts will be designated by the department, as well as size of stock and conditions of culture.

(6) Shelterbelts must be at least 50 feet from an occupied residence.

b. Renovations or improvements of existing shelterbelts not previously cost-shared must meet at least minimum specifications for new shelterbelts outlined in paragraph “a” of this subrule.

c. Maximum specifications for which cost-sharing will be allowed are as follows:

(1) Fourteen rows of planting stock with a maximum of 400 feet per unidirectional row.

(2) For each additional row over eight, one row must be planted with an approved conifer.

(3) Snowcatch requirement is dropped for shelterbelts of at least ten rows and meeting all other requirements in subrule 22.6(5), paragraph “a,” subparagraphs (1) to (6) and paragraph “c,” subparagraph (2).

(4) In a 14-row shelterbelt, one row of deciduous trees may be black walnut for eventual harvest.

d. Planning and design for newly established shelterbelts, renovations, and enlargements, and replacement of trees in a previously cost-shared shelterbelt, and deviations from the listed specifications, must be approved by the department’s wildlife biologist and may require consultation with the department’s district forester and U.S. Department of Agriculture Soil Conservation Service (SCS) district conservationist.

e. Planting sites should be prepared with seedbed conditions the same as for corn. Sod planting or other exceptions may be allowed only by the department wildlife biologist, and may require consultation with the district forester and SCS district conservationist.

f. The following maintenance requirements are in effect for the contract period:

(1) All competing vegetation must be controlled within three feet of each tree and shrub for the first three years of the contract. Control may be by chemicals, mulching, or mechanical means.

(2) Plantings must be protected from livestock, poultry, and rodents by repellents, fencing, trapping, or other effective means.

(3) Cooperators must use whatever means possible to protect plantings from herbicide drift from adjacent fields.

22.6(6) Cost-sharing rates. The department will provide cost-sharing assistance during the first year of the contract to establish new shelterbelts or renovate existing shelterbelts to bring them to minimum standards for size, composition, and configuration.

a. New establishments and enlargements. During the initial establishment year for new shelterbelts and enlargements of existing shelterbelts, the department will pay 75 percent of the cost of establishment, not to exceed \$1600 per eight-row planting.

(1) Additional rows over the minimum will be cost-shared at the same rate with a ceiling limit of \$200 per additional row.

(2) Total rows cost-shared will not exceed 14.

b. Upon mutual agreement of the cooperator and the department, tree planting by the department or its designee may be substituted for all or part of the cost-sharing assistance. Standardized rates for labor and machinery operation will be used to calculate the value of the tree planting operation when determining cost-share payments.

c. Renovations and restorations. Upon recommendation by department wildlife biologists, cost-sharing of tree replacement is permissible where age, disease, drought, insect, or mammal damage has reduced the effectiveness of existing shelterbelts.

(1) Cost-sharing for these reasons will be at 50 percent of planting stock costs not to exceed \$1000. All minimum specifications must be met.

(2) If renovation is needed due to cooperator neglect, no cost-sharing will be allowed.

d. Limitations to total cost-share assistance do not preclude use of cost-sharing funds from other governmental entities or private conservation groups to defray cost to the landowner. Where more than one cost-sharing entity is involved, the total cost-share to the landowner cannot exceed 100 percent of the cost of establishment, enlargement, or renovation.

e. If funds are limited, cooperators are limited to one department cost-shared shelterbelt within a three-year period, except for renovations as listed in subrule 22.6(6), paragraph “c.”

f. Three years following establishment of an eight-row shelterbelt, cost-sharing to enlarge the shelterbelt will be available subject to the following limitations:

- (1) Established rows must exhibit reasonable growth rates and good care by the cooperator.
- (2) Added rows will be considered a new planting under guidelines existing at that time.
- (3) Such enlargements are subject to priorities established in subrule 22.6(3), paragraph “d,” subparagraphs (1) to (4).

22.6(7) Reimbursements. Cooperators shall submit billings for reimbursements on forms provided by the department.

- a.* Billings shall be submitted prior to September 1 each year.
- b.* Billings shall include documentation of costs incurred for planting stock.
- c.* Reimbursements will not be made unless the landowner has fulfilled obligations as specified in the contract.
- d.* Billings will be approved or disapproved by the wildlife biologist after inspection of the project.

571—22.7(456A,483A) Cost reimbursement. Whenever a landowner has been found to be in violation of a contract specified in this rule, the department may cancel the contract and the landowner shall reimburse the state for the full amount of any cost-share payments received. The requirement and procedure for recovering the cost-share payments shall be explained in the contract.

These rules are intended to implement Iowa Code sections 483A.3 and 456A.16.

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